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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,875	04/16/2001	Mark Vange	CIRC015	5571

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HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER, CO 80202

EXAMINER	
EL HADY, NABIL M	
ART UNIT	**PAPER NUMBER**
2152	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/835,875	VANGE, MARK	
	Examiner	Art Unit	
	Nabil M. El-Hady	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-17 are presented for examination. Claim 8 is cancelled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear if the first network-connected server and/or the second network-connected server are part of the plurality of network-connected servers, or are separate servers.

4. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Richard M. Alder "Distributed Coordination Models for Client/Server Computing" April , 1955, hereinafter "Alder".

5. Alder is cited by the applicant in IDS paper filed 7/26/2002.

6. As to claim 7, Alder discloses the invention as claimed including a system for providing functionality over a network comprising: a plurality of network-connected servers, each providing access to a set of functions implemented by program components within the server (p 15, left column, 2nd parag); at least one network-connected client computer (p15, left column, 2nd parag.); and a redirection component responsive to a client request for selecting a particular one of the connected servers that implements a set of functions suitable for responding to the client request (p 15, right column, 1st parag.; p15, right column, 2nd parag.; p16, left column, 2nd parag.; and p17, right column, 1st parag.)) and redirecting the requesting client to the selected

server (handle-driven broker, pa7, right column, 2nd parag.; and Fig. 4b). Alder, also, discloses a first connected server in communication with the client (p16, left column, 2nd parag.; and p17, right column, 1st parag.), a second network connected server in communication with the first network connected server (p16, left column, 2nd parag.; and p17, right column, 1st parag.), wherein the redirection component operates within the first server to identify and communicate with the second server to enable the first server to respond to the client request (a forwarding broker, p17, right column, 1st and 2nd parags.; and Fig. 4a).

7. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujino et al. (US 6,085,222), hereafter "Fujino".

8. As to claim 14, Fujino discloses the invention as claimed including a system for rendering graphical information in a network environment (col. 1, lines 62-67; col. 5, lines 34-37; and Fig. 2) comprising: a network (Fig. 2), a first network service component configured to access raw data from a data store (col. 5, lines 34-50), a second network service configured to obtain the raw data from the first network service over the network (col. 5, lines 63-66); application software in the second network service for transforming raw data from the data store to a graphic display (col. 5, lines 45-50, 51-62); and a client interface in the second network service for communicating the rendered graphic display from the second network service to a client application (col. 5, lines 45-50, 51-62).

9. As to claim 15, Fujino discloses the invention as claimed including a method for delivering customized content from one or more network services to a client (Fig. 2; and col. 1, lines 62-67) comprising the acts of: providing a plurality of network servers each providing

access to a set of raw data (e.g. SERVER 10, Fig. 1); requesting the content from the network servers (col. 3, lines 25-33); causing the network server to incorporate the raw data into a usable format (col. 4, lines 31-58); and delivering the usable format from the network server to a client computer (col. 4, lines 55-58).

10. As to claim 16, Fujino discloses the invention as claimed including a system for supplying rendered information in a network environment (col. 1, lines 62-67; col. 5, lines 34-37; and Fig. 1) comprising: a first server for accessing raw data from a data store (e.g. SERVER 10, Fig. 1); a second server configured to obtain the raw data from the first network source (col. 5, lines 63-66); application software in the second server for transforming the raw data into a rendered format (col. 5, lines 45-50, 51-62); and a client interface in the second server for communicating the rendered format from the second server to a client application (col. 5, lines 45-50, 51-62).

11. As to claim 17, Fujino discloses the invention as claimed including a system for delivering functionality from a network resource (Fig. 1) comprising: a client machine coupled to a network (CLIENT 11), the client machine having a user interface and a preferred format for presenting data using the user interface (col. 3, lines 31-33; and col. 4, lines 47-54); a gateway machine coupled to the network and having a client interface for receiving requests from the client and supplying responses to the client (GATEWAY G1 and/or G3; Fig. 1), the gateway machine having knowledge of the preferred format (col. 4, lines 5-8, 21-23); and formatting mechanisms within the gateway machine for receiving content in a first format from the network resource and transforming the received content to a second format for communication to the client machine (col. 4, lines 47-57).

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alder.

13. As to claim 9, Alder does not necessarily disclose the first and second servers communicate with each other over an enhanced communication channel. Official notice is taken that the both the concept and advantages of providing an enhanced communication channel between the first and second servers is well known and expected in the art. It would have been obvious to one skilled in the art at the time of the invention to provide such enhanced communication channel in order for the first server (request broker / service request manager) to have direct communication with servers that are registered with their services.

14. Claim1-6 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Alder in view of Kawamura et al. (US 6,477,563), hereinafter "Kawamura".

1. As per claim 1, Alder discloses the invention substantially as claimed including a system for providing functionality over a network comprising: a plurality of network-connected servers, each providing access to a set of functions implemented by program components within the server (p 15, left column, 2nd parag); at least one network-connected client computer (p15, left column, 2nd parag.); and a redirection component responsive to a client request for the specified set of functions to redirect the requesting client to the selected server (p 15, right column, 1st parag.; p15, right column, 2nd parag.; p16, left column, 2nd parag.; and p17, right column, 1st parag.).

15. Alder does not specifically disclose a shifting component within a management component coupled to each of the network-connected servers operable to shift data and program components between the network-connected servers so as to configure a selected server to implement a specified set of functions. Kawamura, on the other hand discloses a shifting component (12, Fig. 4) within a management component (1, Fig., 1) coupled to each of the network-connected servers (Node 10, Fig. 4) operable to shift data and program components between the network-connected servers so as to configure a selected server to implement a specified set of functions (col. 11, lines 38-42; col. 2, lines 48-53; and Fig. 28). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Alder and Kawamura because Kawamura management component with the shifting component of functions (agents) would provide Alder's system with flexible operation in response to status of the network at various points of time such as the reliability and bandwidth of the circuits that connect the nodes and the node characteristics (see, Kawamura, col. 1, line 54 to col. 2, line 4; and col. 4, lines 29-65).

16. As per claim 2, Kawamura discloses the selected network server further comprises a data storage mechanism; processes responsive to client requests to accesses data in the data storage mechanism ; and processes operable to generate a response to the client requests using the accessed data (1, 3-7, Fig. 1).

2. As per claim 3, Kawamura discloses processes operating independently of client requests to update data contained within the data storage mechanism (2, Fig. 1).

3. As per claim 4, Kawamura discloses the data storage mechanism comprises a cache (1, Fig. 1).

4. As per claim 5, Kawamura discloses the program components implement a database management system interface (7, Fig. 1).

5. As per claim 6, Kawamura discloses the system wherein at least one of the network-connected servers is designated as a central authority for a particular set of functions and the program components implement processes for communicating with the central authority (Fig. 4).

17. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nepustil (EP 0828214 A2).

18. Nepustil is cited by the applicant in IDS paper filed 7/26/2002.

19. As to claim 10, Nepustil discloses the invention substantially as claimed including a system for implementing a web site (col. 1, lines 10-31) comprising: a first web server configured to provide a preselected set of content and service applications in response to client requests (PRIM. SERVER 105, Fig. 1); a second web server configured to provide a preselected set of content and service applications in response to requests from the web server (SUPP. SERVER 106, Fig. 1; and col. 3, lines 18-26); a communication channel established between the first and the second web servers (110, Fig. 1), wherein the web site is implemented by delivering web pages from at least one of the first and second web servers by distributed and

cooperative interaction using services and content provided by both first and second web servers (abstract, col. 2, lines 5-19).

20. Nepusil does not explicitly use the wording "web site" and "web server". However, he explicitly discloses servers supplying the requested information to the clients in the form of pages, where a page is a display of information in textual, graphical, scriptural, and/or other forms such as text object, picture object, script object, etc. (col. 1, lines 10-26). He also discloses that typically a server has a main page that serves as the entry point to the information and services which points to other pages and objects (col. 1, lines 27-32).

21. As per claim 11, Nepusil discloses the web site includes functionality that is implemented by service applications running on both the first and second web servers (abstract; and Fig. 2).

22. As per claim 12, Nepusil discloses the web site content is provided by the first web server and the web site functionality is provided by service applications running on the first web server (abstract; Load limit functionality).

23. As per claim 13, Nepusil discloses the web site content is provided by the second web server and the web site functionality is provided by service applications running on the first web server (abstract; Load limit functionality).

24. Applicant's arguments filed 8/1/2005 have been fully considered but they are not persuasive. Therefore rejection of claims 1-17 is maintained.

25. In the remarks, applicants argued in substance that (1), applicant's invention is neither a forward broker nor a handle-driven broker as discussed in Alder; (2) Fujino does not alter, or manipulate existing data into a graphic display; (3) Kawamura moves only functional program components not data and program components; and (4) Nepustil fails to teach or suggest delivery of web pages by distributed and cooperative interaction using services and content by both first and second web server.

26. Examiner respectfully traverses applicants' remarks.

27. As to point (1), the request broker of Alder is dedicated control mechanism that directs client request to servers capable of providing them, as discloses in page 17 and Fig. 4. Alder's system comprising: a plurality of network-connected servers, each providing access to a set of functions implemented by program components within the server (p 15, left column, 2nd parag); at least one network-connected client computer (p15, left column, 2nd parag.); and a redirection component responsive to a client request for selecting a particular one of the connected servers that implements a set of functions suitable for responding to the client request (p 15, right column, 1st parag.; p15, right column, 2nd parag.; p16, left column, 2nd parag.; and p17, right column, 1st parag.)) and redirecting the requesting client to the selected server (handle-driven broker, pa7, right column, 2nd parag.; and Fig. 4b). Alder, also, discloses a first connected server in communication with the client (p16, left column, 2nd parag.; and p17, right column, 1st parag.), a second network connected server in communication with the first network connected server (p16, left column, 2nd parag.; and p17, right column, 1st parag.), wherein the redirection component operates within the first server to identify and communicate with the second server

to enable the first server to respond to the client request (a forwarding broker, p17, right column, 1st and 2nd parags.; and Fig. 4a).

28. As to point (2), displaying the data after deleting wasteful communication data from the raw data as disclosed by Fujino is interpreted as manipulating existing data into a graphic display.

29. As to point (3), Kawamura discloses that the agent management means of each node is used to move an agent to the other node by transferring information of the agent to the other node (col. 2, lines 49-54), which may include data and program components.

30. As to point (4), Nepustil teaches delivery of web pages by distributed and cooperative interaction using services and content by both first server (PRIM.SERVER 105, Fig. 1) and second web server (SUPP.SERVER 106, Fig. 1). The distributed and cooperative interaction using services and content are demonstrated by the "overflow" system disclosed by Nepusit.

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 17, 2005

Nabil El-Hady, Ph.D, M.B.A.
Primary Examiner
Art Unit 2152